



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,663	03/27/2000	Gary L. Gastineau	11657-002001	3493

26161 7590 06/27/2003

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

HL

Office Action Summary	Application No.	Applicant(s)	
	09/536,663	GASTINEAU ET AL.	
	Examiner	Art Unit	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8/10/2000 was filed after the mailing date of the Application on 3/27/2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,8-11,13,14,17-19, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane U.S. Patent 6,317,728B1 [Kane '728], and in further view of NEWTON'S TELECOM DICTIONARY.

As per claims 1,13,20.

Kane '728 discloses the claimed invention except for receiving in an encrypted format data. However, Kane '728 does teach the use of Secure Socket Layer, SSL, in communication over the internet. Col. 7, lines 55-67, Col. 17, lines 57-65. NEWTON'S TELECOM DICTIONARY, page 710 teaches that it is known in the art that a SSL protocol is a transport level technology for authentication and data encryption between a Web Server and a Web Browser. It would have been obvious to one having ordinary

Art Unit: 3621

skill in the art at the time the invention was made to describe the communications system of Kane '728 as receiving in encrypted format data on account information because of the use of the SSL protocol.

Kane '728 discloses the claimed invention except for decrypting the file having the adjusted information to provide security positions. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to decrypt the file information having the adjusted security positions since it is known in the art that to display or utilize data in calculations, it is normally decrypted and returned to it's recognizable format.

Kane '728 further discloses calculating the intra-day net asset value proxy for the fund by applying prices received from a quote feed to security positions in the fund portfolio. Col. 10, lines 65-67, Col. 11, lines 1-8.

As per claims 2 , 14 and 22.

Kane '728 further discloses:

disseminating the intra-day net asset value proxy for the fund on a continual basis throughout a trading day. Col. 8, lines 25-32.

As per claims 8 and 17.

Kane '728 further discloses:

decrypting a portfolio file received from the fund and populating a table with fund positions including a security identifier and quantity of shares held in the fund. Fig.19.

As per claims 9 and 18.

Kane '728 further discloses:

continually receiving quotes from a quote feed; and determining whether a currently received quote corresponds to a security in the table. Col. 10, lines 47-67, Col. 11, lines 10.

As per claims 10.11. and 19.

Kane '728 discloses the claimed invention except for the specific method of calculating a new value of the position of the security as of the trading day by retrieving a number of shares in the position and multiplying the number of shares by the current quote for the security. However, it is inherently obvious that to calculate the position (value of the holding of a security) of a security, it is well known and understood that the number of shares multiplied by the current quote equals the value position of the security.

Art Unit: 3621

3. Claims 3,4,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane '728 and NEWTON'S TELECOM DICTIONARY as applied to claims 1,2,13,14,15,16, 20 and 22 above, and further in view of Wolfberg et al. U.S. Patent 5,214,579 [Wolfberg '579]

As per claims 3 and 15.

Kane '728 discloses the claimed invention except for wherein the portfolio is adjusted to reflect any transactions made on the prior trading day. Kane '728 does teach managing the portfolio in real time and taking into account all costs to optimize profit or cut loss. Col. 10, lines 47-67, Col. 11, lines 1-17. Kane '728 does not specifically provide the mathematics for the determination of the profit/loss. However, it is inherent in the determination of profit/loss that all costs be incorporated into the calculations when made available. Wolfberg '579 teaches that it is known in the art to provide wherein the portfolio is adjusted to reflect any transactions made on the prior trading day. Fig. 15A-B. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the accounting system of Kane '728 with the wherein the portfolio is adjusted to reflect any transactions made on the prior trading day of Wolfberg '579 in order to provide accurate up to date figures to show real time profit/loss.

As per claims 4 and 16.

Kane '728 discloses the claimed invention except for wherein the portfolio adjusted to take into consideration factors such as dividend credits and expenses attributable to the current trading day.

Kane '728 does teach managing the portfolio in real time and taking into account all costs to optimize profit or cut loss. Col. 10, lines 47-67, Col. 11, lines 1-17. Kane '728 does not specifically provide the mathematics for the determination of the profit/loss. However, it is inherent in the determination of profit/loss that all costs be incorporated into the calculations when made available. Wolfberg '579 teaches that it is known in the art to provide wherein the portfolio adjusted to take into consideration factors such as dividend credits and expenses attributable to the current trading day. Fig. 15A-B.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the accounting system of Kane '728 with the wherein the portfolio adjusted to take into consideration factors such as dividend credits and expenses attributable to the current trading day of Wolfberg '579 in order to provide accurate up to date figures to show real time profit/loss.

Art Unit: 3621

4. Claims 5-7, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane '728 , NEWTON'S TELECOM DICTIONARY as applied to claims 1,2,13,14,20 and 22 above, and further in view of Atkins U.S. Patent 5,875,437 [Atkins '437].

As per claim 5.

Kane '728 discloses the claimed invention except for wherein the net asset value proxy calculation is executed within a trusted system. However, Kane '728 does disclose encryption and SSL internet protocol.

Atkins '437 teaches that it is known in the art to provide wherein the net asset value proxy calculation is executed within a trusted system. Col. 32, lines 48-60. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the operating system/program of Kane '728 with the wherein the net asset value proxy calculation is executed within a trusted system of Atkins '437, in order to protect against non-authorized personnel from gaining access to the information.

As per claim 6.

Kane '728 discloses the claimed invention except for wherein the trusted system is a physical hardware and operating system configuration in which domain configuration and trust relationships are established to determine access to information

Art Unit: 3621

in the trusted system. However, Kane '728 does disclose encryption and SSL internet protocol.

Atkins '437 teaches that it is known in the art to provide wherein the trusted system is a physical hardware and operating system configuration in which domain configuration and trust relationships are established to determine access to information in the trusted system. Col. 32, lines 48-60. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the operating system/program of Kane '728 with the wherein the trusted system is a physical hardware and operating system configuration in which domain configuration and trust relationships are established to determine access to information in the trusted system of Atkins '437, in order to protect against non-authorized personnel from gaining access to the information.

As per claims 7 and 21.

Kane '728 discloses the claimed invention except for wherein the relationship established in the trusted system is denying access to the decrypted portfolio file from outside of the calculation process.

However, Kane '728 does disclose encryption and SSL internet protocol.

Atkins '437 teaches that it is known in the art to provide wherein the relationship established in the trusted system is denying access to the decrypted portfolio file from outside of the calculation process. Col. 32, lines 48-60.

Art Unit: 3621

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the operating system/program of Kane '728 with the wherein the relationship established in the trusted system is denying access to the decrypted portfolio file from outside of the calculation process of Atkins '437, in order to protect against non-authorized personnel from gaining access to the information.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Art Unit: 3621

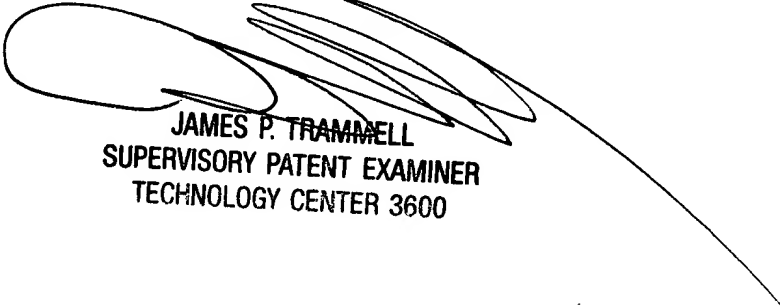
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DLG
June 19, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600